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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 10/691,374 Confirmation No. 2394  
Applicant : Claire M. McCallum, et al.  
Filed : October 22, 2003  
TC/A.U. : 1638  
Examiner : Maria Teresa D. Samson  
  
Docket No. : 02,276-A  
Customer No. : 20306

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

- a. Response to Office Action Mailed December 29, 2004;
- b. Return Receipt Postcard.


2. With respect to additional fees:

☐ Check in the amount of \$0.00

3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28<sup>th</sup> day of January, 2005.

Respectfully submitted,

By:   
Alison J. Baldwin  
Reg. No. 48,968

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300 SOUTH WACKER DRIVE  
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Appl. No. 10/691,374  
Amdt. dated January 28, 2005  
Response to Office action of December 29, 2004



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**RESPONSE TO OFFICE ACTION MAILED DECEMBER 29, 2004**

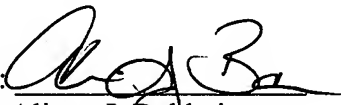
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In Response to the restriction requirement issued by the examiner in the office action mailed December 29, 2004, Applicant elects Group II (Claims 12-17 and 20-24). Elected claims 13-17 and 20-24 all depend from elected Claim 12, which is directed to an endogenous fruit polygalacturonase gene having substantial homology to SEQ. I.D. NO. 1 and having a non-transgenic mutation within the endogenous fruit polygalacturonase gene.

If there are any questions or comments regarding this Response or application, the examiner is encouraged to contact the undersigned attorney as indicated below.

Respectfully submitted,

By:   
Alison J. Baldwin  
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312-935-2369

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